

**SUPREME COURT MINUTES  
FRIDAY, JANUARY 24, 2003  
SAN FRANCISCO, CALIFORNIA**

**S112664**

H025232 Sixth Appellate District

ARTEAGA v. S.C. (PEOPLE)

Petition ordered stricken (case closed)

The clerk is hereby directed to strike the filing of the above-entitled petition for review.

**S111894**

H022362 Sixth Appellate District

PEOPLE v. GONZALES

Time extended to grant or deny review

To March 6, 2003.

**S111984**B162210 Second Appellate District,  
Division Five

NET2PHONE v. S.C. (CONSUMER CAUSE)

Time extended to grant or deny review

To March 7, 2003.

**S112035**

H024395 Sixth Appellate District

IHRIG (RICHARD) ON H.C.

Time extended to grant or deny review

To March 11, 2003.

**S112095**B152750 Second Appellate District,  
Division Five

HOMEOWNERS v. PACIFIC BELL

Time extended to grant or deny review

To March 11, 2003.

**S036105**

PEOPLE v. PRINCE (CLEOPHUS)

Extension of time granted

to 4/1/2003 to file appellant's reply brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon counsel Mark E. Cutler's representation that he anticipates filing that brief by 5/31/2003.

**S066527**

PEOPLE v. LINDBERG (GUNNER J.)

Extension of time granted

to 3/28/2003 to file appellant's opening brief. The court anticipates that after that date, only five further extensions totaling 300 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet this schedule.

**S066939**

PEOPLE v. ALLEN &amp; JOHNSON

Extension of time granted

to 3/11/2003 to appellant ALLEN to file appellant's opening brief. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel disordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S104589**

LUCERO (PHILLIP L.) ON H.C.

Extension of time granted

to 2/26/2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional daycare contemplated. Extension is granted based upon Deputy Federal Public Defenders Mark R. Drozdowski and Grace J. McLean's representation that they anticipate filing that document by 4/25/2003.

**S106273**

B143771 Second Appellate District,  
Division Seven

PEOPLE v. SEEL

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the Answer Brief on the Merits is extended to and including February 24, 2003.

**S109288**

MUSSELWHITE (JOSEPH T.) v. ON H.C.

Extension of time granted

to 2/27/2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days is contemplated. Extension is granted based upon counsel Joseph Schlesinger and Dennis Cusick's representation that they anticipate filing that document by 3/25/2003.

**S109711**

B139975 Second Appellate District,  
Division Seven

CASSIM v. ALLSTATE INSURANCE COMPANY

Extension of time granted

Appellant's time to serve and file the answer brief on the merits is extended to and including March 5, 2003.

**S110683**

A094946 First Appellate District,  
Division Five

BLACK (CHARLES ALEX) ON H.C.

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file Respondent's Opening Brief on the Merits is extended to and including February 18, 2003.

**S110741**

PADILLA (ALFREDO A.) ON H.C.

Extension of time granted

To 2/13/2003 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 105 additional days will be granted. Extension is granted based upon Deputy Attorney General Rachelle A. Newcomb's representation that she anticipates filing that document by 5/28/2003.

**S111662**

F039071 Fifth Appellate District

PEOPLE v. MONTROYA

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Athena Shudde is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

**S111780**

H023080 Sixth Appellate District

T. (GEORGE), IN RE

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Sixth District Appellate Program is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date of this order.

**S018571**

PEOPLE v. BROWN (PAUL MADISON)

Order filed

granting appellant's applic. to file over length reply brief.

**S112505**

B161777 Second Appellate District,  
Division Four

ROBERTS (ORLANDO) ON H.C.  
Order filed

On the Court's own motion, the above-entitled petition for writ of habeas corpus is ordered refiled as a petition for review of the court of appeal decision filed December 6, 2002, in B16177, in re Orlando Roberts on Habeas Corpus. The petition for review is deemed to have been timely filed as of December 30, 2002.

A100069

First Appellate District,

DE GUZMAN v. JUDICIAL COUNCIL OF CALIFORNIA  
Order filed

The above entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred to the Court of Appeal, Sixth Appellate District.

A157604

Second Appellate District,

PEOPLE v. VENNE  
Order filed

The above entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Eight.

G029354

Fourth Appellate District, Division Three

PEOPLE v. MILLER  
Order filed

The time for granting review on the court's own motion is hereby extended to and including March 12, 2003. (Cal. Rules of Court, rule 28(a)(1).)

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF  
THE COMMITTEE OF BAR EXAMINERS OF  
THE STATE OF CALIFORNIA FOR  
ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO  
ORIGINAL ORDER)

**S089818****ELINSKI ON DISCIPLINE**

Probation revoked

the previously ordered stay of execution of suspension in the above entitled matter is lifted, and it is ordered that RICHARD MCHAEEL ELINSKI, State Bar No. 112892, be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for two years on conditions including that he be actually suspended for the first six months of probation and until he submits the Certified Public Accountant or Public Accountant reports previously required. In no event, however, shall the period of actual suspension exceed one year. Richard Michael Elinski is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 13, 2002, as modified by its order filed November 12, 2002. Richard Michael Elinski is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days,

respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2004, 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S098898****KOLTER ON DISCIPLINE**

Probation modified

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and RAYMOND KIRK KOLTER, State Bar No.152579, is actually suspended from the practice of law for two year, and placed on probation for two years on the same conditions as imposed in the underlying disciplinary matter, with the following exceptions: Respondent is required to make the specified restitution and submit proof thereof within one year of the effective date of the discipline imposed herein, and Respondent is required to pay the specified medical liens and submit proof thereof within 90 days of the effective date of the discipline herein. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S110555****COGLEY ON DISCIPLINE**

Recommended discipline imposed: disbarred

**S110737****HOLT ON DISCIPLINE**

Recommended discipline imposed: disbarred

**S110739****PYLE ON DISCIPLINE**

Recommended discipline imposed: disbarred

**S110742**

NOTHERN ON DISCIPLINE

Recommended discipline imposed

It is ordered that W. THOMAS NOTHERN, State Bar No. 82542, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 60 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions(a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S110746**

SHEPARD ON DISCIPLINE

Recommended discipline imposed: disbarred

**S110747**

LAWTON ON DISCIPLINE

Recommended discipline imposed

It is ordered that STEPHEN E. LAWTON, State Bar No. 25705, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 27, 2002. It is further ordered that he take and



pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one third of said costs shall be added to and become part of the membership fees for years 2003, 2004 and 2005. (Bus. & Prof. Code section 6086.10.)

**S110750**

LEVINSON ON RESIGNATION  
Recommended discipline imposed

It is ordered that EDWARD STUART LEVINSON, State Bar No. 61886, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 90 days and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified

in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S111032**

HOLLANDS ON DISCIPLINE

Recommended discipline imposed: disbarred

**S111036**

WAINER ON DISCIPLINE

Recommended discipline imposed

It is ordered that STEPHEN PAUL WAINER, State Bar No. 156197, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on July 3, 2002, as modified by its order filed August 23, 2002. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-fourth of said costs shall be added to and become part of the membership fees for the years 2003, 2004, 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S111040****SMITH ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ANN LONERGAN SMITH, State Bar No. 94331, be suspended from the practice of law for one year, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed September 10, 2002. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2004 and 2005.

**S111042****ORTNER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that DANIEL FREDERICK ORTNER, State Bar No. 67045, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to Stan and Charlene Rasmussen (or the Client Security Fund, if appropriate) in the amount of \$825 plus 10% interest per annum from June 2, 2000; to Julie Carlson (or the Client Security Fund, if appropriate) in the amount of \$150 plus 10% interest per annum from May 31, 2000; to Lisa Gruneich (or the Client Security

Fund, if appropriate) in the amounts of \$200, \$600 and \$200, respectively, plus 10% interest per annum from January 14, January 19, 2000, and June 10, 2000, respectively; to Gussie King (or the Client Security Fund, if appropriate) in the amount of \$195 plus 10% interest per annum from February 15, 2000; and and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel; and until respondent provides satisfactory proof to the Probation Unit that he has paid the judgment in favor of Karen Larrew and Hans Elmer in the amount of \$585, as recommended by the Hearing Department of the State Bar Court in its decision filed on August 20, 2002; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S111046****GOLD ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PAUL ERIC GOLD, State Bar No. 105457, be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 6, 2002. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2003 and 2004.

**S111161****BARNARD ON DISCIPLINE**

Recommended discipline imposed

It is ordered that BETTYE JEWEL BARNARD, State Bar No. 65129, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 13, 2002. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2004, 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

**S111238****BRACKENS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that Ira Sylvester Brackens, State Bar Number 79807, be suspended from the practice of law in the State of California for three years; that execution of the three-year suspension be stayed; and that he be placed on probation for four years subject to the conditions of probation, including eighteen months actual suspension, recommended by the Review Department of the State Bar Court in its opinion filed on August 28, 2002. Furthermore, Brackens is ordered to take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's probation unit in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Brackens is further ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are to be paid to the State Bar in accordance with Business and Professions Code section 6140.7.

**S112922****LOHMAN ON RESIGNATION**

Voluntary resignation accepted

**S112923****MCCORMICK ON RESIGNATION**

Voluntary resignation accepted

**S112925****PUCKETT ON RESIGNATION**

Voluntary resignation accepted

**S112926****WINTERS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

<b>S112973</b>	RADER ON RESIGNATION Resignation accepted with disc. proceeding pending
<b>S112977</b>	SHEPARD ON RESIGNATION Resignation accepted with disc. proceeding pending
<b>S113028</b>	WRIGHT ON RESIGNATION Resignation accepted with disc. proceeding pending
<b>S113029</b>	BERTIN ON RESIGNATION Voluntary resignation accepted
<b>S113030</b>	DUFF ON RESIGNATION Voluntary resignation accepted
<b>S113034</b>	FLEESON ON RESIGNATION Voluntary resignation accepted
<b>S113036</b>	QUESADA ON RESIGNATION Voluntary resignation accepted
<b>S113037</b>	SMITH ON RESIGNATION Voluntary resignation accepted
<b>S113040</b>	SIMMONS ON RESIGNATION Resignation accepted with disc. proceeding pending

